

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

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| GABRIEL SILVA, | § |
| Petitioner, | § |
| | § |
| VS. | § CIVIL ACTION NO.4:06-CV-242-Y |
| | § |
| NATHANIEL QUARTERMAN, Director, | § |
| T.D.C.J., Correctional | § |
| Institutions Division, | § |
| Respondent. | § |

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner Gabriel Silva, along with the February 7, 2007, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until March 1, 2007, to file written objections to the findings, conclusions, and recommendation. Silva sought an extension, which the Court granted, but Silva then filed, on March 5, 2007, an interlocutory notice of appeal. As a result, the case went on appeal to the Court of Appeals for the Fifth Circuit (case number 07-10294). By order issued as mandate in that case in December 2007, however, Silva's request for certificate of appealability was denied and the case returned to this Court.

In the weeks since the case was returned to this Court, Silva has not filed written objections to the findings, conclusions and recommendation of the magistrate judge.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation of the United States magistrate judge filed on February 7, 2007. The Court concludes that the

petition for writ of habeas corpus should be denied for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are hereby ADOPTED.

Gabriel Silva's petition for writ of habeas corpus is DENIED.

SIGNED April 2, 2008.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE